

REMARKS

Applicant appreciates the Examiner's thorough consideration provided the present application. Claims 1-3 and 6-14 are now present in the application. Claims 1, 6, 13 and 14 have been amended. Claims 4 and 5 have been cancelled. Claim 1 is independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that dependent claims 5-9 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicant greatly appreciates the indication of allowable subject matter by the Examiner.

By the present amendment, independent claim 1 has been amended to include the subject matter of dependent claim 5, as discussed hereinbelow.

Priority Under 35 U.S.C. §119

Applicant thanks the Examiner for acknowledging Applicant's claim for foreign priority under 35 U.S.C. §119, and receipt of the certified priority document.

Information Disclosure Citation

Applicant thanks the Examiner for considering the references supplied with the Information Disclosure Statement filed on September 20, 2006, and for providing Applicant with an initialed copy of the PTO-1449 form filed therewith.

Drawings

The Examiner did not indicate whether or not the formal drawings have been accepted. Since no objection has been received, Applicants assume that the drawings are acceptable and that no further action is necessary. Confirmation thereof in the next Office Action is respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 3-8, 13 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that this rejection has been addressed. Accordingly, all pending claims are now definite and clear. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kerr, U.S. Patent No. 4,901,265. Claims 1-4 and 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reinhardt, U.S. Patent No. 5,014,231, in view of Kerr, and further in view of Semenov, U.S. Patent No. 4,653,001. Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kerr in view of Semenov. Claims 1-4 and 10-12 stand rejected under 35

U.S.C. § 103(a) as being unpatentable over Itoh, U.S. Patent No. 5,184,093, in view of Reinhardt, and further in view of Semenov. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

As mentioned, by the present amendment, independent claim 1 has been amended to include the subject matter of dependent claim 5, which was indicated by the Examiner as including allowable subject matter. In particular, the Examiner has correctly acknowledged that the utilized references fail to teach a frequency divider connected to a common reference clock pulse. Therefore, the utilized references also fail to teach "a noise signal bandpass-filtered by a bandpass filter in a low-frequency range is generated by a noise generator, which is controlled with a frequency-divided reference clock pulse obtained from dividing a common reference clock pulse by the frequency divider" as recited in amended independent claim 1.

Accordingly, none of the utilized references individually or in combination teach or suggest the limitations of amended independent claim 1. Therefore, Applicant respectfully submits that amended independent claim 1 clearly defines over the teachings of the utilized references.

In addition, claims 2, 3 and 6-14 depend, either directly or indirectly, from independent claim 1, and are therefore allowable based on their respective dependence from independent claim 1, which is believed to be allowable.

In view of the above remarks, Applicant respectfully submits that claims 1-3 and 6-14 clearly define the present invention over the references relied on by the Examiner. Accordingly,

reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

Additional Cited References

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but rather to merely show the state of the art, no further comments are necessary with respect thereto.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

Application No. 10/549,940
Amendment dated December 21, 2006
Reply to Office Action of September 29, 2006

Docket No.: 4100-0140PUS1

Page 10 of 10

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: December 21, 2006

Respectfully submitted,

By James T. Eller, Jr.
James T. Eller, Jr.

Registration No.: 39,538
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

an